

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 FEB 2000

Applicant's or agent's file reference 0342/2D516-W	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/02940	International filing date (day/month/year) 08 FEBRUARY 1999	Priority date (day/month/year) 09 FEBRUARY 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant SCRIPTGEN PHARMACEUTICALS, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 SEPTEMBER 1999	Date of completion of this report 02 FEBRUARY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <i>K. Cochran</i> KAREN COCHRANE CARLSON, PH.D.
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

I. Basis of the report

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):*

☒ the international application as originally filed.

☒ the description, pages 1-45, as originally filed.

pages NONE, filed with the demand.

pages NONE, filed with the letter of _____.

pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-13, as originally filed.

Nos. NONE, as amended under Article 19.

Nos. NONE, filed with the demand.

Nos. NONE, filed with the letter of _____.

Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/~~fig~~ 1-32, as originally filed.

sheets/~~fig~~ NONE, filed with the demand.

sheets/~~fig~~ NONE, filed with the letter of _____.

sheets/~~fig~~ _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE.

☒ the claims, Nos. NONE.

☒ the drawings, sheets/~~fig~~ NONE.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-13 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the nucleic acid encoding *C. albicans* TAF-145 or *C. albicans* TAF-145. Further, while Reese et al. teach the protein sequence of *Drosophila* TAF250 in Figure 4b (dTAF25) which is set forth in the instant application as SEQ ID NO:5 (see Figs 6A-6C), the corresponding nucleic acid encoding this protein is not taught. Therefore, it cannot be known if nucleic acid encoding dTAF250 is capable of hybridizing to the nucleic acid encoding *C. albicans* TAF-145.

----- NEW CITATIONS -----
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/02940

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): C07H 17/00; C12P 21/06; C07K 14/00; A61K 35/14 and US Cl.: 536/23.1; 435/7.1, 69.1, 320.1; 530/350, 387.1; 514/2

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: S. PETER LUDWIG
DARBY & DARBY P.C.
805 THIRD AVENUE
NEW YORK, NY 10022-7513

PCT

**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 71.1)

Date of Mailing
(day/month/year) **15 FEB 2000**

Applicant's or agent's file reference
0342/2D516-W

IMPORTANT NOTIFICATION

International application No.
PCT/US99/02940

International filing date (day/month/year)
08 FEBRUARY 1999

Priority Date (day/month/year)
09 FEBRUARY 1998

Applicant
SCRIPTGEN PHARMACEUTICALS, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

KAREN COCHRANE CARLSON, PH.D.

K. Laurence Fox
Telephone No. (703) 308-0196

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0342/2D516-1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/02940	International filing date (day/month/year) 08 FEBRUARY 1999	Priority date (day/month/year) 09 FEBRUARY 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant SCRIPTGEN PHARMACEUTICALS, INC.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>0</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application
--

Date of submission of the demand 01 SEPTEMBER 1999	Date of completion of this report 02 FEBRUARY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer KAREN COCHRANE CARLSON, PH.D.
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

I. Basis of the report

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments).*

☒ the international application as originally filed.

☒ the description, pages 1-45 , as originally filed.

pages NONE , filed with the demand.

pages NONE , filed with the letter of _____.

pages _____ , filed with the letter of _____.

☒ the claims, Nos. 1-13 , as originally filed.

Nos. NONE , as amended under Article 19.

Nos. NONE , filed with the demand.

Nos. NONE , filed with the letter of _____.

Nos. _____ , filed with the letter of _____.

☒ the drawings, sheets/fig 1-32 , as originally filed.

sheets/fig NONE , filed with the demand.

sheets/fig NONE , filed with the letter of _____.

sheets/fig _____ , filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE .

☒ the claims, Nos. NONE .

☒ the drawings, sheets/fig NONE .

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/02940

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims	<u>1-13</u>	YES
	Claims	<u>NONE</u>	NO
Inventive Step (IS)	Claims	<u>1-13</u>	YES
	Claims	<u>NONE</u>	NO
Industrial Applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	<u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-13 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the nucleic acid encoding *C. albicans* TAF-145 or *C. albicans* TAF-145. Further, while Reese et al. teach the protein sequence of *Drosophila* TAF250 in Figure 4b (dTAF25) which is set forth in the instant application as SEQ ID NO:5 (see Figs 6A-6C), the corresponding nucleic acid encoding this protein is not taught. Therefore, it cannot be known if nucleic acid encoding dTAF250 is capable of hybridizing to the nucleic acid encoding *C. albicans* TAF-145.

----- NEW CITATIONS -----
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/02940

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): C07H 17/00; C12P 21/06; C07K 14/00; A61K 35/14 and US Cl.: 536/23.1; 435/7.1, 69.1, 320.1; 530/350, 387.1; 514/2



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification⁶ : C12N 15/31, 1/21, 5/10, C07K 14/40, 16/14, G01N 33/50 // C07K 14/47, 14/395, C12N 15/31, C12R 1/725	A3	(11) International Publication Number: WO 99/40199 (43) International Publication Date: 12 August 1999 (12.08.99)
(21) International Application Number: PCT/US99/02940 (22) International Filing Date: 8 February 1999 (08.02.99) (30) Priority Data: 60/074,100 9 February 1998 (09.02.98) US (71) Applicant (for all designated States except US): SCRIPTGEN PHARMACEUTICALS, INC. [US/US]; 610 Lincoln Street, Waltham, MA 02154 (US). (72) Inventors; and (75) Inventors/Applicants (for US only): THOMPSON, Craig, M. [US/US]; 15 College Avenue, Arlington, MA 02451 (US). LONG, Fan [US/US]; 51-10 Garden Circle, Waltham, MA 02452 (US). WOBBE, Richard, C. [US/US]; 57 Spring Street, Lexington, MA 02173 (US). (74) Agents: LUDWIG, S., Peter et al.; Darby & Darby, P.C., 805 Third Avenue, New York, NY 10022-7513 (US).	(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). Published <i>With international search report.</i> <i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i> (88) Date of publication of the international search report: 25 November 1999 (25.11.99)	
(54) Title: A NOVEL FUNGAL PROTEIN CRITICAL FOR EXPRESSION OF FUNGAL PROTEINS (57) Abstract The invention encompasses a novel protein from <i>Candida albicans</i> critical for transcription in <i>Candida albicans</i> , TAF 145, a nucleic acid sequence encoding TAF 145, and methods of screening for inhibitors of <i>Candida albicans</i> growth by targeting TAF 145.		

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece	ML	Mali	TR	Turkey
BG	Bulgaria	HU	Hungary	MN	Mongolia	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MR	Mauritania	UA	Ukraine
BR	Brazil	IL	Israel	MW	Malawi	UG	Uganda
BY	Belarus	IS	Iceland	MX	Mexico	US	United States of America
CA	Canada	IT	Italy	NE	Niger	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NL	Netherlands	VN	Viet Nam
CG	Congo	KE	Kenya	NO	Norway	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 0342/2D516-W	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 02940	International filing date (day/month/year) 08/02/1999	(Earliest) Priority Date (day/month/year) 09/02/1998
Applicant SCRIPTGEN PHARMACEUTICALS, INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☒ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

T/US 99/02940

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/31 C12N1/21 C12N5/10 C07K14/40 C07K16/14
G01N33/50 //C07K14/47, C07K14/395, C12N15/31, C12R1/725

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C12N C07K G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	REESE J.C. ET AL.: "Yeast TAFiis in a multisubunit complex required for activated transcription" NATURE, vol. 371, 6 October 1994 (1994-10-06), pages 523-527, XP002117403 cited in the application in particular Fig 4b the whole document	2
A	--- -/--	1, 3-13

☒ Further documents are listed in the continuation of box C.☐ Patent family members are listed in annex.

° Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

4 October 1999

Date of mailing of the international search report

18/10/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Galli, I

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	POON D. ET AL.: "Identification and characterization of a TFIID-like multiprotein complex from <i>Saccharomyces cerevisiae</i> " PROC. NATL. ACAD. SCI. USA, vol. 92, August 1995 (1995-08), pages 8224-8228, XP002117404 the whole document	1-13
A	--- KOKUBO T. ET AL.: "The yeast TAF145 inhibitory domain and TFIIA competitively bind to TATA-binding protein" MOL. CELL. BIOL., vol. 18, no. 2, February 1998 (1998-02), pages 1003-1012, XP002117405 the whole document	1-13
A	--- WALKER S.S. ET AL.: "Yeast TAFii145 required for transcription of G1/S cyclin genes and regulated by the cellular growth state" CELL, vol. 90, 22 August 1997 (1997-08-22), pages 607-614, XP002117406 the whole document	1-13
A	--- SHEN W.C. & GREEN M.R.: "Yeast TAFii145 functions as a core promoter selectivity factor, not a general coactivator." CELL, vol. 90, 22 August 1997 (1997-08-22), pages 615-624, XP002117407 the whole document -----	1-13

P. ENT COOPERATION TREA

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 30 November 1999 (30.11.99)	
International application No. PCT/US99/02940	Applicant's or agent's file reference 0342/2D516-W
International filing date (day/month/year) 08 February 1999 (08.02.99)	Priority date (day/month/year) 09 February 1998 (09.02.98)
Applicant THOMPSON, Craig, M. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
01 September 1999 (01.09.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Marc Salzman

Telephone No. (41-22) 338 83 38